

MEETINGS TO DATE 10  
 NO. OF REGULARS 9  
 NO. OF SPECIALS 1

LANCASTER, NEW YORK  
 MAY 7, 1979

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 7th day of May, 1979 at 8:00 P.M. and there were

## PRESENT:

STANLEY JAY KEYSA, SUPERVISOR  
 JOSEPH R. BARNHARDT, COUNCILMAN  
 EDWARD A. BERENT, COUNCILMAN  
 PETER J. BOLENDER, COUNCILMAN  
 ARTEL J. METZ, COUNCILMAN

## ABSENT:

NONE

## ALSO PRESENT:

ROBERT P. THILL, TOWN CLERK  
 DOMINIC J. TERRANOVA, TOWN ATTORNEY  
 EDWARD J. FERON, JR., TOWN ENGINEER  
 ROBERT W. URBAN, HIGHWAY SUPERINTENDENT  
 SAMUEL L. SAEVA, RECEIVER OF TAXES  
 ROBERT L. LANEY, DEPUTY BUILDING INSPECTOR

BID OPENINGS:

None

PUBLIC HEARINGS:

NONE

OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their monthly reports as follows:

<u>DEPARTMENT</u>	<u>MONTH</u>
Town Clerk	April, 1979
Building Inspector	March, 1979 April, 1979

The Town Clerk reported that the following board filed with him minutes of of the meeting as follows:

Planning Board

April 18, 1979

COMMITTEE REPORTS:

Councilman Metz and Supervisor Keysa reported that they had attended a recent hearing in Buffalo on expansion of the "911" emergency system to a County-wide system.

Supervisor Keysa gave a brief resume of the information capabilities of the expanded system and reported that further information and cost figures will be available upon the completion of a study in approximately six months.

Councilman Metz for the Recreation Committee reported that the William L. Watson Company pressure checked the water lines at the Keysa Park Pool and fortunately found only one bad valve and some minor plumbing defects that could be rectified by the Highway Department crew.

At the direction of Councilman Metz, the Town Engineer was directed to prepare specifications for installation of a new pool deck to be available for the Town Board meeting of May 21, 1979 so that a bid opening could be set at that meeting to receive bids for the flat concrete work at the Town Pool on Monday, June 4, 1979.

The Town Engineer presented to the Town Board a report dated May 7, 1979 regarding Heritage Hills Subdivision wherein he reported to the Board that the Erie County Water Authority has refused to grant a permit to tap their 24" water line along Pleasant View Drive to supply the Heritage Hills Subdivision until such time as the Town Board assures the Water Authority that a cross connection will be required by the Town Board from Warner Road to the south end of Heritage Hills Subdivision at that time when a subdivision is developed, to the east of Heritage Hills, thereby creating a looped system from Warner Road to Pleasant View Drive, to Heritage Hills Subdivision, to the subdivision east of Heritage Hills back to Warner Road.

The Supervisor indicated that in the original planning and approval for the Heritage Hills Subdivision, a stubbed street to the east with water line improvement was part of Heritage Hills Subdivision so that an interconnection could be made to enter any subdivision east of Heritage Hills to provide the interconnection requested by the Water Authority.

The Town Board directed the Town Engineer to write to the Water Authority and inform them of the assurances of the Town Board to interconnect the south end of Heritage Hills Subdivision to Warner Road at such time as a subdivision is developed east of Heritage Hills

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

RESOLVED, that the minutes of the meeting of the Town Board of the  
Town of Lancaster, held April 16, 1979, as presented by the Town Clerk, be and  
hereby are approved.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

May 7, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the State of New York has enacted a State Fire Prevention Code, and

WHEREAS, Section 392 of the Executive Law of the State of New York provides for the adoption of the State Fire Prevention Code by local municipalities, and

WHEREAS, the Town Board of the Town of Lancaster recognizes the need to protect its citizens and their property, and desires to update its present laws on fire prevention, and therefore, it is in the public interest to adopt the recently enacted Fire Prevention Code of the State of New York for the protection and welfare of the residents of the Town of Lancaster, effective July 2, 1979, and

WHEREAS, it is necessary to rescind and repeal the present Fire Prevention Code of the Town of Lancaster, known as Chapter 20 of the Code of the Town of Lancaster, effective July 2, 1979,

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing on the said proposed amendment of the Code of the Town of Lancaster, by repeal of the present Town of Lancaster Fire Prevention Code, known as Chapter 20 of the Code of the Town of Lancaster, to take effect July 2, 1979, and the proposed adoption and enactment of the Fire Prevention Code of the State of New York, to take effect July 2, 1979, in place thereof, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:15 o'clock P.M., Local Time, on the 21st day of May, 1979, and that Notice of the time and place of such hearing be published on May 10, 1979, in the Lancaster Enterprise, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the following form:

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the of Lancaster, adopted on the 7th day of May, 1979, the said Town Board will hold a Public Hearing on the 21st day of May, 1979, at 8:15 o'clock P.M. Local Time, to hear all interested persons upon the proposed amendment of the Code of the Town of Lancaster by the repeal of the present Fire Prevention Code of the Town of Lancaster, to take effect July 2, 1979, known as Chapter 20 of the Code of the Town of Lancaster, and the proposed adoption and enactment of the Fire Prevention Code of the State of New York, to take effect July 2, 1979, in place thereof.

Full opportunity to be heard will be given to any and all Citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

May 7, 1979

and

BE IT FURTHER

RESOLVED, that the Town Clerk is directed to make copies of the Fire Prevention Code of the State of New York available at his office for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

May 7, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN METZ , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER , TO WIT:

WHEREAS, the Town of Lancaster Ambulance Board, by letter dated  
May 2, 1979, has recommended the appointment of certain individuals to the  
Town of Lancaster Volunteer Ambulance Corps and recommended the deletion of  
certain individuals from said Volunteer Ambulance Corps,

NOW, THEREFORE BE IT

RESOLVED, that the following additions and deletions be made to the  
membership of the Town of Lancaster Volunteer Ambulance Corps:

Additions: David Dillon - 27 Elm Place, Lancaster  
Carol Parks - 76 Parkview, Lancaster  
Victoria Bonadonna - 107 Hitchcock Drive, Depew  
Sharon Maccarone - 48 Albert Drive, Lancaster

Deletions: Richard Mruk - 62 St. James Place, Depew  
Michael Ehrenreich - 62 Church Street, Lancaster  
Ronald Blum - 17 Westwood Drive, Cheektowaga  
Marvin Scroger - 499 Lake Avenue, Lancaster

and,

BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized and  
directed to take whatever action necessary with the Kansas City Fire and  
Marine Insurance Company to provide Workmen's Compensation Insurance to cover  
the foregoing new members of the Town of Lancaster Volunteer Ambulance Corps.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows;

COUNCILMAN BARNHARDT VOTED YES  
COUNCILMAN BERENT VOTED YES  
COUNCILMAN BOLENDER VOTED YES  
SUPERVISOR KEYSA VOTED YES  
COUNCILMAN METZ VOTED YES

XXXXXX  
The resolution was thereupon unanimously adopted.

May 7, 1979



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is desirous of encouraging business and industrial development in the nature of expansion of existing business and industrial facilities and the location of new business and industrial facilities, and

WHEREAS, the Commerce Law of the State of New York, Sections 115-120, provides for the certification of businesses for tax exemption afforded under Section 485 of the Real Property Tax Law of the State of New York, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the interest for the development of the Town of Lancaster to enable qualifying businesses under said sections of the Commerce Law, to apply for the tax exemption afforded by the Real Property Tax Law of the State of New York, Section 485, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to adopt and enact the proposed "Local Law No. 3 of the Year 1979", to be known as "Tax Exemption for Business Expansion", which reads as follows:



TAX EXEMPTION

CHAPTER 40

ARTICLE 11

TAX EXEMPTION FOR BUSINESS EXPANSION

PROPOSED

LOCAL LAW  
NO. 3

1979

A LOCAL LAW TO PROVIDE TAX INCENTIVES UNDER THE NEW YORK STATE JOB INCENTIVE PROGRAM FOR BUSINESS EXPANSION.

- §40.4 Legislative Intent.
- §40.5 Eligibility.
- §40.6 Application for exemption.
- §40.7 Approval by Assessor.
- §40.8 Exemption granted; amount.
- §40.9 Redetermination of exemption; revocation of certificate.
- §40.10 Exceptions.
- §40.11 Taxes affected.
- §40.12 When effective.

Be it enacted by the Town Board of the Town of Lancaster, as follows:

§40.4. Legislative Intent.

This local law is enacted to provide a real property tax exemption to encourage business development. It will encourage businessmen to improve obsolete facilities within the town; it will assist in reducing the competitive edge which other states presently have over New York State and the Town of Lancaster as a site for commercial, business or industrial expansion.

§40.5 Eligibility.

Before application may be made to the town assessing authorities, every business facility must meet the eligibility requirements and be certified by the New York State Job Incentive Board pursuant to §§118 through 120 of the New York State Commerce Law. The certification from the New York State Job Incentive Board must have been for expenditures, which are attributable to capital improvements certified by said Board to have been paid or incurred by the owner or operator for improvements commenced on or after July 24, 1976, consisting of the construction, reconstruction, erection or improvement of depreciable real property included in such facility.

#### §40.6 Application for exemption.

The exemption shall be granted only upon an application by the owner or operator of such facility on a form prescribed by the State Job Incentive Board under Article 4-A of the Commerce Law to which there shall be attached a copy of a certificate of eligibility issued by said Board. Such application shall be filed with the Town Assessor on or before the appropriate taxable status date. Copies of such application shall be filed simultaneously with the State Board and the New York State Job Incentive Board.

#### §40.7 Approval by Assessor.

The Town Assessor shall consider the application for such exemption and, if the same is in order, shall determine the assessed value of such exemption in accordance with the certificate of eligibility and enter such value on the exempt portion of the assessment roll for the Town of Lancaster.

#### §40.8 Exemption granted; amount.

Upon certification by the Town Assessor, the eligible business facility shall then be exempt pursuant to §485 of the Real Property Tax Law of the State of New York, from real property tax levies for General Fund and General Fund-Town Outside Village purposes imposed to the extent authorized in the certificate of eligibility for any increase in the assessed value thereof which is attributable to the expenditures certified by the New York State Job Incentive Board. Such exemption shall be applicable for a period of up to ten (10) years at the rate of one hundred percent (100%) of its assessed value attributable to expenditures certified by the New York State Job Incentive Board to have been paid or incurred by the owner or operator for capital improvements commenced on or after July 24, 1976. The eligible business facility shall then be exempt in the amount of one hundred percent (100%) of the real property tax levies as set forth above, commencing with the assessment roll prepared on the next following taxable status date, after the effective date of this Local Law. The exemption applies only to the increased assessed value as certified.

#### §40.9 Redetermination of exemption; revocation of certificate.

- A. The maximum number of years for which eligibility may be certified under the certificate and all renewals or extensions thereof shall be ten (10), and no renewal or extension of any certificate of eligibility shall be accepted relating to any taxable year or taxable status date beyond the ninth such year or date after that to which the original certificate relates.
- B. The exempt business facility described in a certificate of eligibility and accepted by the Town Assessor for the following taxable status date shall not be deemed an eligible business facility for the purposes of this local law in any subsequent taxable year or as of any subsequent taxable status date unless

the certificate of eligibility is renewed or extended by the New York State Job Incentive Board to relate to such subsequent year or date.

- C. The certificate of eligibility and any renewal or extension shall specify that the total increase in assessed value is attributable to construction, alteration, installation or improvement of such real property after July 24, 1976.
- D. If any exemption has once been granted for a business facility under this local law and the Assessor receives notice that a certificate of eligibility has been revoked or modified, the Assessor shall redetermine the assessed value of any such exemption in accordance with such revocation or modification. If, upon such redetermination, it appears for a year in which an exemption has been granted, that such facility has been ineligible or that the assessed value of such exemption as redetermined is less than the assessed value of such exemption as shown on the assessment rolls, then a tax shall be levied at the rate of tax for such year upon as much of the increased assessed valuation of such exemption as shown on such assessment rolls as may be ineligible or excessive. Such tax shall be levied as an omitted assessment in the manner provided in §550 of the Real Property Tax Law of the State of New York for each such year. Any such redetermination shall be made no later than three (3) years after the applicant for exemption last received benefit of an exemption under this local law.

#### §40.10 Exceptions.

No facility shall be an eligible facility under this local law if it is primarily used for making retail sales of goods or services to customers who personally visit such facility to obtain such goods and services or if it is used primarily as a hotel, apartment house or other place of business which furnishes dwelling space or accommodations to either residents or transients.

#### §40.11. Taxes affected.

- A. The exemption relates only to the increase in assessed valuation attributable to expenditures as certified after July 24, 1976.
- B. This local law does not apply to any special district or highway taxes and no exemption shall be granted for any taxes assessed on a benefit or ad valorem basis for special districts of the town.

#### §40.12. When effective.

This local law shall take effect after filing and publication as required by law.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law No. 3 of the Year 1979, also known as Chapter 40, Article 11 of the Code of the Town of Lancaster, entitled "Tax Exemption for Business Expansion", will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:45 o'clock P.M., Local Time, on the 21st day of May, 1979, and that Notice of the time and place of such Hearing be published on May 10, 1979, in the Lancaster Enterprise, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the following form:

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of May, 1979, the said Town Board will hold a Public Hearing on the 21st day of May, 1979, at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the proposed enactment of Local Law No. 3 of the Year 1979, also known as Chapter 40, Article II of the Code of the Town of Lancaster, entitled "Tax Exemption for Business Expansion", briefly described as follows:

"A Local Law providing for the tax exemption for business expansion to improve facilities and to reduce the competitive edge other states presently have over New York State and the Town of Lancaster, as provided for in Sections 115-120 of the Commerce Law of the State of New York, and Section 485 of the Real Property Tax Law, where said businesses are certified as qualifying under the Job Incentive Program as providing new jobs within the community. Businesses eligible shall be exempt from real property tax levies for General Fund and General Fund-Town Outside Village purposes for a period of up to ten (10) years at the rate of one hundred percent (100%) of assessed value attributable to expenditures certified by the New York State Job Incentive Board to have been paid or incurred for capital improvements.

This Local Law does not apply to any special District or highway taxes, nor shall there be any exemption from taxes assessed on a benefit or ad valorem basis for special districts of the Town.

Facilities used primarily for retail sales of goods or services or used primarily as hotel or lodging shall not be eligible."

A complete copy of the proposed Local Law No. 3 of the Year 1979 entitled, "Tax exemption for Business Expansion", is available at the office of the Town Clerk for inspection by and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

May 7, 1979

and

BE IT FURTHER

RESOLVED, that the Town Clerk is directed to make copies of the proposed Local Law No. 3 of the Year 1979, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

May 7, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, New York, recognizes the need to protect its citizens and their property and desires to update its present laws on fire prevention, and

WHEREAS, the Town Board of the Town of Lancaster intends to adopt the Fire Prevention Code of the State of New York by resolution, and

WHEREAS, administration and enforcement of the Fire Prevention Code of the State of New York will be required to fulfill the purpose of the said Fire Prevention Code, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to amend the Code of the Town of Lancaster, by repeal of the present Chapter 20, entitled, "Fire Prevention Code of the Town of Lancaster", by enactment of a new Chapter 20 to be entitled, "Fire Prevention Code of the State of New York-Administration and Enforcement", and known as Local Law No. 2 of the Year 1979, which Chapter provides for the administration and enforcement of the Fire Prevention Code of the State of New York, and shall be in the form as attached hereto and made a part hereof;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the said proposed enactment of Local Law No. 2 of the Year 1979, also known as Chapter 20 of the Code of the Town of Lancaster, entitled, "Fire Prevention Code of the State of New York - Administration and Enforcement", will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M., Local Time, on the 21st day of May, 1979, and that Notice of the time and place of such Hearing be published on May 10, 1979, in the Lancaster Enterprise, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the following form:



LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of May, 1979, the said Town Board will hold a Public Hearing on the 21st day of May, 1979, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the proposed enactment of a new Chapter 20 of the Code of the Town of Lancaster, to be known as Local Law No. 2 of the Year 1979 entitled, "Fire Prevention Code of the State of New York-Administration and Enforcement", to take effect July 2, 1979, briefly described as follows:

"A Local Law governing the administration and enforcement of the Fire Prevention Code of the State of New York, and providing for appointment of Fire Inspectors, the process of inspections, the issuance of Permits and setting of permit fees, the issuance of Special Permits, the procedure to be followed with respect to violations and abatement of same, and also further provides for the demolition of dangerous or unsafe buildings, and creates a Board of Review for appeal purposes for an aggrieved person.

Said Local Law also provides for penalties and fines for violations of the proposed Law."

A complete copy of the proposed Local Law No. 2 of the Year 1979, entitled, "Fire Prevention Code of the State of New York-Administration and Enforcement," is available at the office of the Town Clerk for inspection by and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

May 7, 1979

and

BE IT FURTHER

RESOLVED, that the Town Clerk is directed to make copies of the proposed Local Law No. 2 of the Year 1979, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

~~xxxx~~  
The resolution was thereupon unanimously adopted.

May 7, 1979

## TOWN OF LANCASTER

Erie County, New York

Proposed

Local Law No. 2 of the Year 1979

FIRE PREVENTION CODE OF THE STATE OF NEW YORK-  
ADMINISTRATION AND ENFORCEMENT.

A Local Law providing for the administration and enforcement of the Fire Prevention Code of the State of New York.

Be it enacted by the Town Board of the Town of Lancaster, New York, as follows:

## FIRE PREVENTION - ADMINISTRATION AND ENFORCEMENT

## Chapter 20

## "FIRE PREVENTION - ADMINISTRATION AND ENFORCEMENT"

- §20-1 General provisions.
  - §20-1.1 Applicability.
  - §20-1.2 Effective date.
  - §20-1.3 Partial Invalidity.
- §20-2 Administration and Compliance.
  - §20-2.1 Enforcement.
  - §20-2.2 Fire Inspectors.
  - §20-2.3 Inspections.
  - §20-2.4 Rules and regulations.
- §20-3 Permits, fees.
  - §20-3.1 Permits
  - §20-3.2 Special permits.
  - §20-3.3 Fees.
- §20-4 Compliance; violation orders; abatement.
  - §20-4.1 Violations
- §20-5 Penalties
  - §20-5.1 Penalties
- §20-6 Records
  - §20-6.1 Records
- §20-7 Demolition of dangerous or unsafe buildings.
  - §20-7.1 Removal of dangerous buildings or structures
- §20-8 Appeals
  - §20-8.1 Board of Review

**§20-1 GENERAL PROVISIONS**

- §20-1.1. - Applicability. This local law shall provide the basic method for administration and enforcement of the State Fire Prevention Code in the Town of Lancaster, and shall establish powers, duties, and responsibilities in connection therewith.
- §20-1.2. - Effective Date. This local law shall take effect on the 2nd day of July, 1979.
- §20-1.3. - Partial Invalidity. If any part of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

**§20-2. ADMINISTRATION AND COMPLIANCE**

- §20-2.1 - Enforcement. The Building Inspector of the Town of Lancaster shall be charged with the duty of enforcing the New York State Fire Prevention Code. He shall make periodic inspections for compliance with provisions with the New York State Fire Prevention Code with the aid of Fire Inspectors as designated herein.
- §20-2.2 - Fire Inspectors. The Town Board hereby establishes the position of Fire Inspector. Each of the Fire Companies providing fire protection services to the Town of Lancaster shall nominate a Fire Inspector to the Town Board and the Town Board shall appoint said Fire Inspectors for such terms of office as the Town Board shall determine. Fire Inspectors shall reside within the boundaries of the Town of Lancaster.
- §20-2.3 - Inspections.
- A) Duties of Fire Inspectors:-
- 1) Fire Inspectors shall be responsible for making inspections within their respective protection area and aid the Building Inspector in making inspections on a periodic basis for compliance with provisions of the New York State Fire Prevention Code.
  - 2) Reports shall be made to the Building Inspector of the Town of Lancaster on any and all inspected premises where a permit is necessary as determined by the permit section of the local law herein.
  - 3) Any and all violations of the State Fire Prevention Code shall be reported immediately upon discovery by the Fire Inspectors to the Building Inspector.

- 4) All places used for public assembly shall be inspected on an annual basis or as necessary under this local law.
- 5) The Fire Inspectors shall further inspect annually or as necessary any activity or operation for which a permit is issued, under this local law.
- 6) Fire Inspector shall inspect all fire-damaged structures and report any suspected violations of the Fire Prevention Code to the Building Inspector.

B) Entrance to Property:-

- 1) Inspection may be made at any reasonable time.
- 2) If entrance to make an inspection is refused or cannot be obtained, the Building Inspector may apply for a warrant to make an inspection to any court of competent jurisdiction.
- 3) In case of emergency, property may be inspected at any time without a warrant and without permission.

§20-2.4 Rules and Regulations. The Building Inspector of the Town of Lancaster may adopt rules and regulations for the administration and enforcement of the New York State Fire Prevention Code, this Local Law, or any other provision of law, to be promulgated by the Town Board.

§20-3. PERMITS, FEES.

§20-3.1 Permits:-

A. Applications for permits under this local law shall be made to the Building Inspector of the Town of Lancaster with payment of the required permit fee to the Town Clerk. Upon approval of the permit application, the Building Inspector shall issue a permit to the applicant which permit shall specify:-

- 1) Activity or operation for which permit issued;
- 2) Address and location where activity or operation to be conducted.
- 3) Name and address of permittee;
- 4) Permit number and date of issuance;
- 5) Period of permit validity.

B. Transferability.

Permits shall not be transferable and any change in activity, operation, location, ownership or use shall require a new permit.

C. Permit Term:-

Permits shall be valid for a period of time to be designated at time of issuance by Building Inspector and shall, in any case, be for no longer than one (1) year or until revoked by the Building Inspector for violation transfer, as defined in 9(B), or destruction of premises.

D) Permits shall be required for the following operations and/or materials:

- 1) Acetylene generator
- 2) Auto tire rebuilding plant.
- 3) Auto wrecking yard.
- 4) Auto undercoating
- 5) Bon fires and rubbish (upon prior approval of State and County Agencies)
- 6) Bowling establishments.
- 7) Calcium carbide storage
- 8) Cellulose nitrate motion picture film
- 9) Cellulose nitrate (Pyroxylin) Plastics
- 10) Combustible fibers
  - a) Loose
  - b) Baled
- 11) Combustible materials
- 12) Compressed gases
  - a) bulk oxygen
  - b) hydrogen
  - c) flammable anesthetics
  - d) non-flammable medical gases
  - e) anhydrous ammonia
- 13) Cryogenic liquids
- 14) Dip tanks
- 15) Dry-cleaning plants
- 16) Dust (commercial activity)
- 17) Explosives, ammunition & blasting agents
- 18) Flammable and combustible liquids and finishes
  - a) spray finishes
- 19) Fruit ripening gases
- 20) Fuel oil systems (commercial)
- 21) Fumigants and thermal insecticidal fogging liquids
- 22) Hazardous chemicals:-
  - a) corrosive liquids
  - b) flammable solids
  - c) highly toxic materials
  - d) oxidizing materials
  - e) poisonous gases
  - f) radioactive materials
  - g) unstable chemicals
- 23) Junk yards
- 24) Liquified petroleum gas containers & tanks
- 25) Lumber yards
- 26) Magnesium
- 27) Matches, (production or storage)
- 28) Organic coatings

- 29) Organic peroxides
- 30) Ovens (commercial)
- 31) Places of assembly
- 32) Service stations & garages
  - a) storage & handling motor vehicle fuel
  - b) dispensing motor vehicle fuel
- 33) Underground tanks
- 34) Welding and cutting
  - a) oxygen-fuel gas
  - b) electric arc

E) Location

Permits shall be conspicuously posted on the premises covered by the permit.

F) Revocation

Permits may be revoked when it is determined there is a violation of any condition under which the permit is issued, or where there has been misrepresentation or falsification of material facts in connection with the permit application.

§20-3.2 - SPECIAL PERMITS. When hazardous situations are encountered for conditions not otherwise regulated, special permits may, based on applicable data, be required for the duration of the hazard.

§20-3.3 - Fees. The fee for each permit required shall be in the amount of \$10.00. Where there is more than one permitted use for a property or premises, the fee for each permit shall be \$10.00, to a maximum of \$50.00 for such consolidated permit.

§20.4 COMPLIANCE; VIOLATION ORDERS; ABATEMENT

§20-4.1 - Violations:-

- A) A person owning, operating, occupying or maintaining property or premises within the scope of the State Fire Prevention Code or this local law shall comply with all the provisions of the State Fire Prevention Code, this local law, and all orders, notices, rules, regulations or determinations issued in connection therewith.
- B) Whenever the Building Inspector finds that there has been a violation of the State Fire Prevention Code, this local law, or any rule or regulation adopted pursuant to this local law, a violation order shall be issued to the person or persons responsible.



- C) Violation orders shall be in writing; shall identify the property or premises; shall specify the violation and remedial action to be taken; shall provide a reasonable time limit for compliance; and shall state the time within which an appeal may be taken.
- D) Violation orders may be served:-
  - 1) by personal service
  - 2) by mailing by registered or certified mail;
  - 3) or by posting a copy thereof in a conspicuous place on the premises; and
  - 4) by mailing a copy thereof to the premises on the same day as posted, enclosed in a postpaid wrapper addressed to the person responsible.
- E) In case the owner, lessor, occupant or the agent of any of them shall fail, neglect or refuse to remove, eliminate or abate the violation within the time specified in the violation of the order, the chief legal officer of the Town of Lancaster shall be requested to take appropriate legal action.

#### §20-5 PENALTIES

##### §20-5.1 - Penalties.

- A) Failure to comply with any provision of the State Fire Prevention Code, this local law, rules or regulations adopted pursuant to this local law, or a violation order shall be deemed a violation and the violator shall be liable for a fine of not more than two hundred fifty dollars (\$250.00), or imprisonment not to exceed fifteen (15) days, or both, and each day such violation continues shall constitute a separate violation.
- B) An action or proceeding in the name of the Town of Lancaster may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the State Fire Prevention Code, this local law, rule or regulation adopted pursuant to this local law, or a violation order, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

## §20-6 RECORDS:-

- §20-6.1 - Records. The Building Inspector shall keep official records of all permits, inspection reports, recommendations complaints and violation orders.

## §20-7 DEMOLITION OF DANGEROUS OR UNSAFE BUILDINGS

§20-7.1 Removal of dangerous buildings or structures:-

- A) A building or structure or part thereof, which is an imminent danger to life and safety of the public as a result of a fire or explosion is hereby declared to be a public nuisance.
- B) Whenever the Fire Inspector finds a building or structure, or part thereof, to be an imminent danger to life and safety of the public as a result of a fire or explosion, the Fire Inspector shall report same to the Building Inspector and the Building Inspector may cause it to be demolished and removed or may cause work to be done in and about the building or structure as may be necessary to remove the danger.
- C) The Building Inspector may require the occupants of any such building or structure or part thereof, to vacate the premises forthwith. No person shall use or occupy such building or structure, or part thereof, until it is made safe. Except for the owner, no person shall enter the premises which have been ordered vacated unless authorized to perform inspections, repairs or to demolish and remove such building or structure, or part thereof.
- D) All costs and expenses incurred by the Town of Lancaster in connection with any work done to remove the danger or in connection with the demolition and removal of any such building or structure, shall be assessed against the land on which such building or structure is located and a bill for such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained, then such bill shall be posted in a conspicuous place on the premises. Such assessment shall be, and constitute, a lien upon such land. If the owner shall fail to pay for such expenses within ten (10) days after the bill is presented or posted, the chief legal officer of the Town of Lancaster may bring an action to collect such assessment or to fore-close such lien. An an alternative to the maintenance

of any such action, the Building Inspector may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred, and the owner thereof, with the assessor, who shall in the preparation of the next assessment roll assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties, as is provided by law for the collection and enforcement of real property taxes in the Town of Lancaster.

## §20-8 APPEALS

### §20-8.1 Board of Review.

- A) Where practical difficulties or unnecessary hardships may result from enforcement of the strict letter of any provisions of the New York State Fire Prevention Code, applications for variances consistent with the spirit of the code and not inconsistent with the requirements of Subdivision 2 of Section 391 of Article 18-A of the Executive Law may be made to and acted upon by a Board of Review established in accordance with the provisions of Section 395 of the Executive Law.
- B) The Board of Review shall be the Zoning Board of Appeals of the Town of Lancaster.
- C) The Building Inspector of the Town of Lancaster shall be notified in writing of the Board of Review's decision.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, certain on-site modifications in the construction of the  
addition to the Town Hall has resulted in the necessity of a change order,  
and

WHEREAS, the Town Engineers, by letter dated April 17, 1979,  
has recommended such change order be accepted by the Town of Lancaster, and  
said change order is on file with the Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and  
directed to execute the following change order:

Change Order M-2 - Add additional exhaust fans and  
ductwork, water, and sewer lines,  
related to the revisions for the  
added new toilet rooms as shown  
on Drawing SD-4-5.

Addition - \$2,092.00

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYS	VOTED YES
COUNCILMAN METZ	VOTED YES

~~XXXX~~  
The resolution was thereupon unanimously adopted.

May 7, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
METZ , TO WIT:

WHEREAS, Josela Enterprises, Inc., 4875 Broadway, Depew, New York,  
has applied to the Town Board of the Town of Lancaster for a permit to  
construct a Public Improvement upon real property in the Town of Lancaster  
within Countryside Subdivision, and

WHEREAS, Countryside Subdivision is a subdivision within the Town  
of Lancaster approved to by resolution dated March 20, 1978, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified  
on the following permit application that he has reviewed the Improvement  
Plan and Permit Application for the installation of the Public Improvement  
requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 67 of  
Josela Enterprises, Inc., 4875 Broadway, Depew, New York, for the  
installation of:

P.I.P. No. 67 - (Water Line) Approx. 7375 L.F. of 8" ductile  
iron pipe; 13 hydrants; 18 - 8" valves; 1 -  
8 x 8 tapping sleeve and valve; 1 - 8 x 6  
tapping sleeve and valve; 1 - 8" meter pit

1. 8" Ductile iron pipe from 8 x 8 x 8 tee at  
Station 26 + 87 on 8" line in Old Orchard  
Road to 8" meter pit on easement at property  
line between Lots 47 and 48.
2. Appurtenances as required by Erie County  
Water Authority in 8" meter pit.
3. 8" Ductile iron pipe from 8" meter pit on  
easement at property line between Lots 47 and  
48 to 8" line in adjacent Townedge Apartment  
Development as shown on Tallamy, Van Kuren,  
Gertis and Thielman Job No. 750755-A, Sheet  
No. B-10740, Revision dated 2-15-78.

This connection shall provide continuous water  
flow from Transit Road through the Townedge  
Apartment Development to the Countryside Sub-  
division, through lines which have been tested,  
chlorinated sampled and accepted by the Erie  
County Health Department. The installation  
shall be approved by the Erie County Water  
Authority.

be and is hereby approved and the installation of this improvement requested  
be and is hereby authorized, subject to the inclusion in this permit of the  
following wording prescribed by the Town Attorney:

PERMIT CONDITIONED AS FOLLOWS

No Building Permits shall be issued until Performance  
Security as authorized in Chapter 11-6 of the Code of  
the Town of Lancaster is provided -- or -- until approval  
of all Public Improvements, including lighting, and sidewalk,  
by the Town Engineer and Town Board, and sewer by Erie County  
Sewer District No. 4, conveyance of Warranty Deed with  
adequate title insurance and bill of sale of improvements,  
rights-of-way, and easement, and delivery of two (2) year  
maintenance bonds from date of acceptance in the principal  
sum of 25% of the total cost of the improvement.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	VOTED YES
COUNCILMAN METZ	VOTED YES

~~duky~~  
The resolution was thereupon unanimously adopted.

May 7, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, the New York State Division for Youth has approved a  
request for two special programs funded in the sum of \$7,415.29 by grant  
made available to the Town of Lancaster Youth Bureau,

NOW, THEREFORE, BE IT

RESOLVED, that the 1979 General Fund Budget of the Town of Lancaster  
be and hereby is amended as follows:

	<u>Subsidiary Ledger</u>		<u>General Ledger</u>	
	<u>Dr.</u>	<u>Cr.</u>	<u>Dr.</u>	<u>Cr.</u>
510 Estimated Revenues			\$7,415.29	
960 Appropriations				\$7,415.29
7312.1 Youth Services-Theater Workshop				
Personal Services		\$2895.00		
7312.4 Contractual Expenses		2020.29		
7313.1 Tutorial Program-Education				
Personnel Services		2500.00		
3823 State Aid-Youth Services				
Theater Workshop		\$4915.29		
3824 State Aid - Youth Services				
Tutorial Program-Education		2500.00		

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES  
COUNCILMAN BERENT VOTED YES  
COUNCILMAN BOLENDER VOTED YES  
SUPERVISOR KEYSA VOTED YES  
COUNCILMAN METZ VOTED YES

/ s/ ~~xxx~~

The resolution was thereupon unanimously adopted.

May 7, 1979



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN METZ , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest, upon the recommendation and detailed study provided by the Town Clerk, to repeal the Dogs Ordinance heretofore adopted by the Town Board of the Town of Lancaster on September 6, 1960, and known as Chapter 13 of the Code of the Town of Lancaster, and to enact in place thereof, the following:

### CHAPTER 13

#### DOGS

- 13-1. Repealer amendment
- 13-2. Restrictions on dogs running at large
- 13-3. Seizure
- 13-4. Impoundment fees and redemption
- 13-5. Violations and penalties
- 13-6. Enforcement
- 13-7. Local license fee
- 13-8. When effective

#### 13-1. Repealer amendment

The Dogs Ordinance heretofore adopted by the Town Board of the Town of Lancaster, on September 6, 1960 and known as Chapter 30 of the Code of the Town of Lancaster, is hereby repealed effective January 1, 1980.

#### 13-2. Restriction on dogs running at large

- A. No person owning a dog, whether licensed or not, shall permit the same at any time to be "at large" within the Town of Lancaster, outside the municipal boundaries of the Village of Lancaster and the Village of Depew within the Town of Lancaster, unless such dog is effectively restrained by a chain or leash not exceeding six (6) feet in length and is in the charge of, and under the control of a competent person.
- B. "At large" means any dog that is on property open to the public or is on private property not owned or leased by the owner of the dog, unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is: (a) a guide dog actually leading a blind person; (b) a police work dog in use for police work; or (c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

13-3. Seizure

Any dog control officer or peace officer may seize any dog found to be "at large" in violation of this chapter.

13-4. Impoundment fees and redemption

A. Any dog found to be "at large" and seized by any dog control officer or peace officer shall be held for the redemption period and may be redeemed by the owner within the time and in the manner prescribed by Section 118 of Article 7 of the Agriculture and Markets Law of the State of New York provided that the owner pays the following impounded fees:

- (1) ten dollars for the first impoundment of any dog owned by that person;
- (2) twenty dollars for the first twenty-four hours or part thereof and three dollars for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or
- (3) thirty dollars for the first twenty-four hours or part thereof and three dollars for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

B. The seizure of any dog shall not relieve any person from any violation provided for by Section 13-5. of this chapter.

13-5. Violations and penalties

A. It shall be a violation, punishable as provided in subdivision "B" of this section, for the owner of any dog to permit the same, at any time, to be "at large" in violation of this chapter.

B. Violation of this section shall be punishable, subject to election of the enforcement officer either:

- (1) where prosecuted pursuant to the penal law, by a fine of not more than twenty-five dollars, except that (i) where the person was found to have violated this section within the preceding five years, the fine may be not more than fifty dollars, and (ii) where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than fifteen days, or both; or
- (2) where prosecuted as an action to recover a civil penalty, by a civil penalty of not more than twenty-five dollars, except that (i) when the person was found to have violated this section within the preceding five years, the civil penalty may be not more than fifty dollars, and (ii) where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not more than one hundred dollars.

13-6. Enforcement

- A. It shall be the duty of the dog control officer of the Town of Lancaster to enforce the provisions of this chapter.
- B. The dog control officer of the Town of Lancaster shall have all the powers of a peace officer in enforcing the provisions of this chapter. In addition, the dog control officer may serve any process related to any proceeding, whether criminal or civil in nature and including an appearance ticket, undertaken in accord with the provisions of this chapter.

13-7. Local license fee

Pursuant to Section 110(4) of the Agriculture and Markets Law of the State of New York, an annual dog license fee of \$3.50 for each dog license issued by the Town of Lancaster, New York under Section 109(1) of the Agriculture and Markets Law, will be added to the fees established by Section 110(1) of the Agriculture and Markets Law. This annual dog license fee shall be charged for all licenses becoming effective on or after January 1, 1980.

13-8. When effective

- A. Section 13-7 "Local License Fee" shall take effect on October 1, 1979.
- B. All other sections of this chapter shall take effect on January 1, 1980.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on the said proposed repeal and enactment of Chapter 13 of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of May, 1979, at 8:00 P.M. Local Time, and that notice of the time and place of such hearing be published on May 10, 1979 in the Lancaster Enterprise-Journal, being a newspaper of general circulation in said Town, and posted on the Town Bulletin Board, which Notice shall be in the following form:

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 7th day of May, 1979, the said Town Board will hold a Public Hearing on the 21st day of May, 1979, at 8:00 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposal to amend the Code of the Town of Lancaster by deleting and repealing Chapter 13 thereof, Dogs, and replacing it with a new Chapter 13 to be entitled, Dogs.

CHAPTER 13

DOGS

- 13-1. Repealer amendment
- 13-2. Restrictions on dogs running at large
- 13-3. Seizure
- 13-4. Impoundment fees and redemption
- 13-5. Violations and penalties
- 13-6. Enforcement
- 13-7. Local license fee
- 13-8. When effective

13-1. Repealer amendment

The Dogs Ordinance heretofore adopted by the Town Board of the Town of Lancaster, on September 6, 1960 and known as Chapter 30 of the Code of the Town of Lancaster, is hereby repealed effective January 1, 1980.

13-2. Restriction on dogs running at large

A. No person owning a dog, whether licensed or not, shall permit the same at any time to be "at large" within the Town of Lancaster, outside the municipal boundaries of the Village of Lancaster and the Village of Depew within the Town of Lancaster, unless such dog is effectively restrained by a chain or leash not exceeding six (6) feet in length and is in the charge of, and under the control of a competent person.

B. "At large" means any dog that is on property open to the public or is on private property not owned or leased by the owner of the dog, unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is: (a) a guide dog actually leading a blind person; (b) a police work dog in use for police work; or (c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

13-3. Seizure

Any dog control officer or peace officer may seize any dog found to be "at large" in violation of this chapter.

13-4. Impoundment fees and redemption

A. Any dog found to be "at large" and seized by any dog control officer or peace officer shall be held for the redemption period and may be redeemed by the owner within the time and in the manner prescribed by Section 118 of Article 7 of the Agriculture and Markets Law of the State of New York provided that the owner pays the following impounded fees:

- (1) ten dollars for the first impoundment of any dog owned by that person;
- (2) twenty dollars for the first twenty-four hours or part thereof and three dollars for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or
- (3) thirty dollars for the first twenty-four hours or part thereof and three dollars for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

B. The seizure of any dog shall not relieve any person from any violation provided for by Section 13-5. of this chapter.

13-5. Violations and penalties

A. It shall be a violation, punishable as provided in subdivision "B" of this section, for the owner of any dog to permit the same, at any time, to be "at large" in violation of this chapter.

B. Violation of this section shall be punishable, subject to election of the enforcement officer either:

- (1) where prosecuted pursuant to the penal law, by a fine of not more than twenty-five dollars, except that (i) where the person was found to have violated this section within the preceding five years, the fine may be not more than fifty dollars, and (ii) where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than fifteen days, or both; or
- (2) where prosecuted as an action to recover a civil penalty, by a civil penalty of not more than twenty-five dollars, except that (i) when the person was found to have violated this section within the preceding five years, the civil penalty may be not more than fifty dollars, and (ii) where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not more than one hundred dollars.

13-6. Enforcement

- A. It shall be the duty of the dog control officer of the Town of Lancaster to enforce the provisions of this chapter.
- B. The dog control officer of the Town of Lancaster shall have all the powers of a peace officer in enforcing the provisions of this chapter. In addition, the dog control officer may serve any process related to any proceeding, whether criminal or civil in nature and including an appearance ticket, undertaken in accord with the provisions of this chapter.

13-7. Local license fee

Pursuant to Section 110(4) of the Agriculture and Markets Law of the State of New York, an annual dog license fee of \$3.50 for each dog license issued by the Town of Lancaster, New York under Section 109(1) of the Agriculture and Markets Law, will be added to the fees established by Section 110(1) of the Agriculture and Markets Law. This annual dog license fee shall be charged for all licenses becoming effective on or after January 1, 1980.

13-8. When effective

- A. Section 13-7 "Local License Fee" shall take effect on October 1, 1979.
- B. All other sections of this chapter shall take effect on January 1, 1980.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

By: Robert P. Thill,  
Town Clerk

Dated: May 7, 1979



The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES
COUNCILMAN METZ	VOTED	YES

dxky

The resolution was thereupon unanimously adopted.

May 7, 1979



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, RONALD S. COHEN, 984 Ellicott Square, Buffalo, New York  
has petitioned the Town Board of the Town of Lancaster for the rezone of  
certain property situate on the east side of Transit Road, at 6711 Transit  
Road, in the Town of Lancaster, from a C1- Local Retail Business District to  
a C2-General Commercial District , and

WHEREAS, this petitioned has been referred to the Planning  
Board of the Town of Lancaster for its recommendation and report,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law  
of the State of New York, a public hearing on the proposed rezone will be  
held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st  
day of May, 1979, at 9:00 o'clock P.M., Local Time, and that Notice of the  
time and place of such hearing be published in the Lancaster Enterprise,  
a newspaper of general circulation in said Town and be posted on the Town  
Bulletin Board, and a copy of such Notice of hearing be referred to the Erie  
County Department of Planning, pursuant to Section 239(m) of the General  
Municipal Law, and that a copy of Notice of such hearing be furnished to  
the Town Clerks of Amherst and Cheektowaga, at least ten (10) days prior to  
the date of such public hearing, which Notice shall be in the form attached  
hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES
COUNCILMAN METZ	VOTED	YES

duxx

The resolution was thereupon unanimously adopted.

May 7, 1979

## LEGAL NOTICE

PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of May, 1979, the said Town Board will hold a public hearing on the 21st day of May, 1979, at 9:00 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property, from a C1- Local Retail Business District to a C2-General Commercial District:

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Lancaster, County of Erie and State of New York, being part of Farm Lot 12, Range 6, Township 11 of the Holland Land Company's Survey. Briefly described as follows:

BEGINNING at a point along the easterly line of Transit Road, approximately five hundred sixty (560) feet south of the southerly line of Wehrle Drive where it intersects the easterly line of said Transit Road; running thence easterly, generally parallel with the south line of Wehrle Drive, a distance of two hundred fifty (250) feet to a point; thence southerly, parallel to the said Transit Road, twenty-five (25) feet, more or less, to a point; thence easterly fifty (50) feet, to a point; thence southerly, generally parallel with said Transit Road one hundred ten (110) feet to a point; thence westerly, parallel with said Wehrle Drive, three hundred (300) feet to a point; thence northerly along the easterly line of Transit Road, one hundred thirty-five (135) feet, more or less to the point or place of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

May 7, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 8007 to 8090 Incl.	\$103,403.41
Part Town Funds	No. 686 to 698 Incl.	\$ 3,351.07
Highway Funds	No. 2361 to 2392 Incl.	\$ 26,957.84
Special District Funds	No. 380 to 382 Incl.	\$ 45,948.71
Trust & Agency Funds	No. 314 to 318 Incl.	\$ 1,150.49
Capital Fund	No. 384 to 388 Incl.	\$ 38,082.30
Community Development Fund	No. 1022 to 1026 Incl.	\$ 57,654.21

and,

BE IT FURTHER

RESOLVED, that the claims of In-Home Support Services, dated  
October 16, 1978 in the amount of \$7,447.16, November 6, 1978 in the amount  
of \$19,461.63, December 5, 1978 in the amount of \$10,456.90 and January 5,  
1979 in the amount of \$13,606.02 for the Winterization Program, and the  
claim of Dan Marzec Plumbing & Heating Inc., dated April 25, 1979 in the  
amount of \$6,682.50 for the construction of water lines on Storer Road and  
Transit Boulevard, Lancaster, New York, be and are hereby approved and the  
Supervisor be and is hereby ordered to submit these claims to the Community  
Development Program for reimbursement.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES  
COUNCILMAN BERENT VOTED YES  
COUNCILMAN BOLENDER VOTED YES  
SUPERVISOR KEYSA VOTED YES  
COUNCILMAN METZ VOTED YES

~~xxxx~~

The resolution was thereupon unanimously adopted.

May 7, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

RESOLVED, that the following Building Permit Applications be and  
are hereby approved and the issuance of Building Permits be and are hereby  
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
41	Wayne Rau	440 Aurora Rd.	EXT. FR. BRK. VEN. PVT. GARAGE
42	James Tysiac	6 Idlebrook	ER. ABOVE GROUND POOL
43	Wm. Stachura	19 Old Schoolhouse	ER. ALUM. STORAGE BLDG.
44	Marrano Enter.	239 Warner Rd.	ER. FR. SIN. DWLG, PVT. GARAGE
45	Marrano Enter.	9 Deerpath Dr.	ER. FR. SIN. DWLG, PVT. GARAGE
46	Ivan Iseppan	691 Ransom Rd.	EXT. FR. PVT. GARAGE
47	Marrano Enter.	243 Warner Rd.	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
48	Marrano Enter.	18 Deerpath Dr.	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
49	Beauty Pools	25 Old School House	ER. POOL
50	North Star Const.	4377 Walden Ave.	ER. CONCRETE, STEEL WAREHOUSE
51	Wm. Bujanowski	33 Edward	ER. FENCE
52	Walter Depew	166 Pleasant View	ER. FR. BRK. SIN. DWLG, PVT. GARAGE
53	John Kwiatkowski	522 Aurora St.	ER. FR. SIN. DWLG
55	AAA Signs Corp.	6425 Transit Rd.	ER. FIBERGLASS, ALUM. SIGN
56	Stovroff & Herman	6351 Transit Blvd.	ER. STEEL SIGN
57	Henry Herr	889 Erie St.	ER. STEEL GREENHOUSE
58	Metroplex Homes	22 Nichter Rd.	ER. FR. SIN. DWLG, PVT. GARAGE
59	Joseph Kauschinger	260 Ransom Rd.	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
60	Diamond Craft Homes	152 Stony Rd.	ER. FR. BRK. ALUM. SIN. DWLG, PVT. GARAGE

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
61	Marrano Enter.	16 Ravenwood Dr.	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
62	Marrano Enter.	21 Fox Hunt Rd,	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
63	David Erny	1100 Town Line Rd.	ER. FR. SIN. DWLG, PVT. GARAGE
64	Bob Bain Chevrolet	5111 Transit Rd.	ER. FENCE,

ON MOTION BY COUNCILMAN BARNHARDT AND SECONDED BY COUNCILMAN METZ  
AND CARRIED, by voice vote, the following amendment to the resolution was  
adopted.

BE IT FURTHER

RESOLVED, that the following Building Permit Application be and is  
hereby approved and the issuance of this Building Permit be and is hereby  
authorized.

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
33	Kidd-Kott Const.	5127 Transit Rd.	ER. BRK. CONCRETE BLK. CAR WASH

The question of the adoption of the foregoing resolution, as amended,  
was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ ABSTAINED

The resolution was thereupon <sup>duly</sup> unanimously adopted.

May 7, 1979

Supervisor Keysa requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR KEYSA, WHO MOVED  
ITS ADOPTION, SECONDED BY THE ENTIRE  
TOWN BOARD

WHEREAS, the Town of Lancaster, on the morning of Monday, April 23, 1979, at approximately 7:15 A.M., was beset by a tremendous explosion of a dynamite truck on the premises of Lancaster Stone Products, Corporation, 91 Barton Road, Lancaster, New York, and

WHEREAS, an emergency situation developed therefrom which required the immediate and continued services of the Police Department personnel of the Town of Lancaster, and

WHEREAS, the Police Department personnel conducted themselves during this crisis period in an exemplary manner worthy of commendation,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby commends Police Chief Thomas Fowler, Lieut. Arthur Schiffler, and the entire personnel and staff of the Lancaster Town Police Department for the professional and exemplary manner in which they conducted themselves and the handling of the crisis situation resulting from the aforesaid explosion.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	VOTED YES
COUNCILMAN METZ	VOTED YES

The resolution was thereupon unanimously adopted.

May 7, 1979

Councilman Barnhardt requested a suspension of the necessary rule for immediate consideration of the following resolution:-

SUSPENSION GRANTED:-

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, Water District No. 7 of the Town of Lancaster has been served with notice to relocate a water line in Aurora Street in accordance with its original highway permit, as a result of bridge reconstruction in Aurora Street by the Erie County Highway Department, and

WHEREAS, said Water District No. 7 has no funds available, either budgeted or otherwise, for the performance of said work, which work will cost \$2,400.00, and

WHEREAS, Water District No. 7 serves a high concentration of low and medium income residents whose interests cannot reasonably be served without use of Community Development Funds, and

WHEREAS, the Town of Lancaster has available to it, funds of the 1978 Community Development allocation;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be directed to apply for \$2,400.00 of funds of the 1978 Community Development funds received under the Housing and Community Development Act of 1974, for the purpose of paying the cost of relocation of a water line in Aurora Street due to bridge reconstruction by the Erie County Highway Department, which expenditure will serve the needs of a high concentration of the low and moderate income residents of the Town of Lancaster, who reside within the boundaries of Town of Lancaster Water District No. 7.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call , which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	VOTED YES
COUNCILMAN METZ	VOTED YES

The resolution was thereupon unanimously adopted.

May 7, 1979



Councilman Bolender requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT, TO WIT:

WHEREIN, the Town Board by resolution dated April 16, 1979, authorized and directed the Supervisor of the Town of Lancaster, pursuant to the provisions of Section 41-34 of the Mental Hygiene Law, to request a hearing before the Commissioner to resolve the issue of the location of a facility proposed by the New York State Association for Retarded Children at 3746 Bowen Road in the Town of Lancaster, and

WHEREAS, Mr. Richard C. Merges, Associate Commissioner, by letter dated April 30, 1979, has set a hearing on this matter for Thursday, May 17, 1979 at 11:00 A.M. in Albany, New York,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor and the Town Attorney of the Town of Lancaster be and are hereby authorized to attend the hearing in Albany, New York on Thursday, May 17, 1979 relative to the matter of the Erie County Association for Retarded Children's proposal to open a community residence at 3746 Bowen Road, Lancaster, New York, and

BE IT FURTHER

RESOLVED, that expense reimbursement be and is hereby authorized for all ordinary and necessary expenses incurred.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	VOTED YES
COUNCILMAN METZ	VOTED YES

clerk

The resolution was thereupon unanimously adopted.

May 7, 1979

Councilman Barnhardt requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, the Erie County communities have built many new sewage treatment facilities at a great expense to the local taxpayers and which will further burden the local taxpayers due to the expensive nature of their operation and maintenance, and

WHEREAS, there now appears to be some question as to the need for the Advanced Wastewater Treatment (AWT) portion of these treatment facilities, and

WHEREAS, the regional approach to sewer systems and the construction of same has eliminated many treatment plants which were once eligible for State O and M aid and have been replaced in some cases by major pumping stations which may be subject to State O and M aid but not have as yet been so included, and

WHEREAS, the Great Lakes International Joint Commissioner (IJC) has determined that phosphorous discharges from wastewater treatment plants should be reduced from 1 mg/l to 0.5 mg/l, but only for those facilities tributary to Lakes Erie and Ontario, and

WHEREAS, the benefits of Advanced Wastewater Treatment, including phosphorous removal, are mutually shared and benefited among other communities downstream of Erie County, including the United States' neighbor to the North, Canada, for which Erie County communities must pay the local share of construction and almost the entire share of operating and maintaining (O and M) these facilities, and

WHEREAS, the Honorable County Executive has written to the United States Environmental Protection Agency and the State Government requesting Federal payment of AWT and increased State O and M aid.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster is hereby memorializing the United States Congress to revise funding regulations so that 100% of the cost of constructing advanced waste treatment will be borne by the Federal Government and that the Federal Government considers contributing towards the O and M portion of Advanced Wastewater Treatment, and

BE IT FURTHER

RESOLVED, that the New York State Legislature also be memorialized to increase its share of the construction costs of Advanced Wastewater Treatment facilities, including phosphorous removal, and increasing the O and M aid program for sewage treatment plants from its present 25% to 33 1/3% for the secondary portion of treatment plants and to pay for 100% of the O and M for Advanced Waste Treatment, and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster is further directed to send copies of this resolution to the Local State and Federal representatives, the President of the United States, Governor Hugh Carey, the United States Environmental Protection Agency, and the New York State Department of Environmental Conservation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	VOTED YES
COUNCILMAN METZ	VOTED YES

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The resolution was thereupon unanimously adopted.

May 7, 1979

1. Preferential Rights, Erie Lackawanna R.R.  
On December 27, 1978, the Town Board authorized search and title work on this acquisition.
2. Public Improvement Permit Authorization, Countryside Subdivision (Josela)  
On April 2, 1979, the Town Board authorized issuance of P.I.P. No. 66 (Storm Drain). On May 7, 1979, the Town Board authorized issuance of P.I.P. No. 67 (Water Line).
3. Public Improvement Permit Authorization, Heritage Hills Subdivision  
On March 15, 1979, the Town Board authorized issuance of P.I.P. Nos. 62 (Pavement and Curbs), 63 (Storm Sewer), 64 (Water Line), and 65 (Retention Pond).
4. Public Improvement Permit Authorization, Lancaster Industrial Park  
On December 18, 1978, the Town Board accepted these public improvements within this industrial park subject to receipt of maintenance security and tendering of title documents.
5. Public Improvement Permit Authorization, Pleasant Meadow Subdivision, Phase IV.  
On October 16, 1978, the Town Board authorized issuance of P.I.P. Nos. 59 (Pavement and Curbs), 60 (Water Line), 61 (Storm Sewer).
6. Public Improvement Permit Authorization, Woodview Estates Subdivision  
On October 2, 1978, the Town Board authorized issuance of P.I.P. Nos. 54 (Water Line), 55 (Pavement), 56 (Storm Drain), 57 (Sidewalk), and 58 (Lighting).
7. Rezone Petition, Ronald S. Cohen  
On May 7, 1979, the Town Board set a Public Hearing on this matter for May 21, 1979.
8. Speed Evaluation Survey, Northwest Area of Township  
On February 28, 1979, the N.Y.S. Dept. of Transportation established a 35 mph speed restriction for the above referenced area.
9. Subdivision Approval, Countryside East (Josela Enterprise)  
On January 15, 1979, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
10. Subdivision Approval, Countryview East (Marrano Enterprises)  
On May 1, 1978, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
11. Traffic Study - Green Arrows at Central and Walden Avenues  
On January 29, 1979, the Town Clerk forwarded to the County Highway Dept. the joint request of the Village and Town of Lancaster for this study.

PERSONS DESIRING TO ADDRESS TOWN BOARD:

Mrs. Cecelia Wereski, 573 Aurora Street, asked the Town Board if there is any law or ordinance of the Town of Lancaster which requires a subdivision to have more than one access road.

The Supervisor and Town Attorney informed Mrs. Wereski there is no law or ordinance within the Town of Lancaster but during the planning stages of a subdivision, every attempt is made prior to the approval of the subdivision to plan it so that it will have more than one access road.

Constance Orlanda, 223 Lake Avenue, representing the Depew-Lancaster Theatre requested authorization to place a four by eight sign in front of the Town Hall which would advertise their upcoming play entitled "Boeing, Boeing".

The Town Board suggested that the theatre use the fire department sign next to the New York Store which is a better location, however, in the event the sign is unavailable, permission was granted to use the grass area in front of the Town Hall for this advertising sign.

COMMUNICATIONS:

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|------|---|-----------------------------|
| 301. | N.Y.S. Dept. of Environ. Conservation to James Lorentz -<br>Transmittal of "Notice of Complete Application for Non-Minor Projects."   | Building Inspector<br>R & F |
| 302. | James S. Keysa to Town Board -<br>Invitation to ceremony proclaiming Erie County Conservation Week on 5/7/79 in Buffalo and sample resolution transmittal.  | R & F                       |
| 303. | Supervisor to Town Board -<br>Notification of various investments during the month of April, 1979.  | R & F                       |
| 304. | Supervisor to N.Y.S. Dept. of Environmental Conservation -<br>Notification that Town shall act as Lead Agency regarding Buffalo Crushed Stone, Inc.'s Mined Land Reclamation/SEQR.  | Attorney                    |
| 305. | Supervisor to N.Y.S. Comm. of Mental Retardation and Developmental Disability -<br>Request hearing regarding proposed residential facility for Erie County Chapter of the State Assn. for Retarded Children, Inc.             | Attorney<br>Supervisor      |
| 306. | County Dept. of Public Works to Supervisor -<br>Comments regarding defects of highways.   | R & F                       |
| 307. | Chief of Police to Supervisor -<br>Recommendation of stop sign at Ward Road intersection.   | Attorney                    |
| 308. | Town Engineers to Supervisor -<br>Transmittal of Change Order M-2 regarding addition to the Town Hall.  | R & F                       |
| 309. | Niagara Frontier Transportation Authority to Supervisor -<br>Transmittal of Phase I Report for BGIA's Master Planning Program.  | R & F                       |
| 310. | Town Engineers to Town Board -<br>Estimation of \$2400. to relocate water line on Aurora St. at Plumb Bottom Creek.   | R & F                       |
| 311. | Town Clerk to Town Board -<br>Resume of actions taken in regards to resolutions and directions of the Town Board meeting of 4/16/79.  | R & F                       |
| 312. | Town Clerk to Justice Timothy J. Dwan -<br>Transmittal of resolution stipulating hourly wage for temporary sickness or vacation substitute.   | R & F                       |
| 313. | Town Clerk to Chair., Recreation Commission -<br>Request review and comments for Town Board meeting of 5/7/79 regarding excursions conducted by Sr. Citizens Director and to meet with Town Board to discuss various matters. | R & F                       |
| 314. | Dog Warden to Town Board -<br>List of costs involved in operating truck for 1978.   | R & F                       |
| 315. | Town Clerk to Parcourse, Ltd. -<br>Request for particulars on the "Perrier Grant Program."  | R & F                       |



COMMUNICATIONS CONT'D.

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DISPOSITION

316.	Asst. Building Inspector to Town Board - Monthly report for March, 1979.	R & F
317.	Town Engineers to Town Board - Notification of acceptance of revised design regarding drainage for Woodview Estates.	R & F
318.	Marvin R. Blaum, Attorney to Town Board - Transmittal of petition executed by Alco Plastics, Inc., Sealing Devices, Inc., Contractor's Materials Co., Inc., Advanced Thermal Systems, Inc., and Syracuse Supply Corp. requesting acceptance of dedication to private road.	Supervisor
319.	Dist. Supervisor to Deputy Comm., County Dept. of Environ. and Planning - Comments regarding water in ditch and overflow at William St. and Lake Ave.	R & F
320.	County Sewer Dist. No. 4 to Supervisor - Transmittal of resolution memorializing U.S. Congress to revise funding regulations regarding advanced waste treatment and memorializing N.Y.S. Legislature to increase their share of costs regarding Advanced Wastewater Treatment facilities.	Sewer Committee
321.	Supervisor to Dept. of State, Div. of Fire Prevention and Control - Request statement as to coverage provided Town firemen on emergency calls.	R & F
322.	Mrs. Linda Markiewicz and others to Maintenance, Thruway Authority - Request for fence to discourage Thruway travelers.	R & F Town Clerk
323.	N.Y.S. Office of Mental Retardation and Developmental Disabilities - Notification that alternate sites offered by Town for a community residence will be reviewed by the Erie County Assn. for Retarded Children.	R & F
324.	Supervisor to County Dept. of Public Works, Div. of Highways - Comments regarding defects of highways.	R & F
325.	Erie County Executive to Supervisor - Notification of meeting to be held 5/1/79 in Buffalo regarding cost of sewage treatment.	R & F
326.	County Dept. of Environ. and Planning to Sen. Daniel P. Moynihan's Office - Explanation of request for Retroactive Collector Sewer Aid.	R & F
327.	Supervisor to Dept. of Environ. Conservation - Request for suggestions as to what steps should be taken regarding toxic waste sites in Town.	R & F
328.	Supervisor to Housing and Community Devel., County Planning Division - Request to use \$2400. to provide for relocation of waterlines in Aurora St. Bridge area.	R & F
329.	Highway Supt. to Town Board - Request that Jo Ann Deutschlander be given 90% of full wage scale effective 6/30/79 and 100% effective 1/1/80.	Town Clerk
330.	Highway Supt. to Pres., LVAC - Notification of Town inspection and acceptance procedures regarding new ambulance.	R & F



COMMUNICATIONS CONT'D.:

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DISPOSITION

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| 331. | Lancaster Sanitary Land Fill, Inc. to Supervisor -<br>Notification of increase in prices for disposal<br>of refuse effective 6/1/79.   | R & F                             |
| 332. | Asst. Building Inspector to Town Board -<br>Monthly report for April, 1979.  | R & F                             |
| 333. | Chair., Recreation Commission to Town Clerk -<br>Answer to Sharron Kryman's letter regarding<br>franchise fee, base rental, and performance<br>fee, officials' competency and non-resident<br>players. | R & F                             |
| 334. | N.Y.S. Dept. of Transportation to Supervisor -<br>Notification of shared costs for Town Highway<br>Improvement Program for 1979..  | R & F                             |
| 335. | N.Y.S. Office of Mental Retardation and Devel.<br>Disabilities to Supervisor -<br>Notice of hearing to be held 5/2/79 in Albany<br>regarding proposed site for community<br>residence.                 | R & F                             |
| 336. | Supervisor to N.Y.S. Office of Mental Retardation<br>and Developmental Disabilities -<br>Request for two week postponement of Hearing<br>and request site for such to be in Western<br>New York.       | R & F                             |
| 337. | Assn. of Towns of the State of New York to<br>Supervisor -<br>Transmittal of seven proposed bills with<br>request for support of denial.   | Council, Berent                   |
| 338. | N.Y.S. Dept. of Environmental Conservation to<br>Supervisor -<br>Transmittal of completed Environ. Assessment<br>Form, Part 1, completed by Buffalo Crushed<br>Stone, Inc.                             | Attorney                          |
| 339. | Parcourse, Ltd. to Town Clerk -<br>Transmittal of Perrier Parcourse Grant Program<br>Fact Sheet and other related material.  | Recreation Comm.<br>Highway Supt. |
| 340. | Chair., Recreation Comm. to Town Board -<br>Transmittal of State Bid Contract for possible<br>purchase of tractor.   | R & F                             |
| 341. | Chair., Planning Board to Town Board -<br>Recommendation of denial of Ronald D. Cohen<br>rezone petition and transmittal of denial for<br>same from Planning Consultant.                               | R & F<br>Town Clerk               |
| 342. | Planning Board to Town Clerk -<br>Minutes from meeting held 4/18/79.   | R & F                             |
| 343. | Town Clerk to Supervisor -<br>Monthly report for April, 1979.  | R & F                             |
| 344. | Chair., Erie County Legislature to Supervisor -<br>Notice of public hearing to be held 5/22/79<br>at Buffalo regarding creation of a "Major<br>Cases Squad."   | R & F                             |
| 345. | N.Y.S. Office of Energy to Supervisor -<br>Notice of public hearing to be held 5/15/79<br>at Buffalo regarding energy-related matters.   | R & F                             |
| 346. | Lancaster Village Clerk to Supervisor -<br>Notification of concern and investigation<br>into Walden Ave. water problems.   | R & F                             |

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|------|--|--|
| 347. | Chair., Recreation Comm. to Supervisor and Chief of Police -<br>Notification that as of 5/1/79 gates at Walden Pond Park will remain open.   | R & F<br><u>Recreation Committee</u><br><u>Public Safety Comm.</u> |
| 348. | Assessor to Town Board -<br>Recommendation of purchase of property on Miller St. for purpose of water drainage.  | <u>Supervisor</u>  |
| 349. | N.Y.S. Dept. of Audit and Control to Supervisor -<br>Notification of accounting of Article 7 of the Agriculture and Markets Law (Dog Control).   | R & F  |
| 350. | Sealing Devices, Inc. to Town Clerk -<br>Notice of open house on 5/11-12/79 at Lancaster.  | R & F  |
| 351. | Dept. of State, State Records and Law Bureau to Town Clerk -<br>Notification of receipt of Local Law No. 1 of 1979 and filing date of 4/20/79.   | R & F  |
| 352. | Chair., Ambulance Board to Town Board -<br>Recommendation of additions and deletions to active roll of LVAC.   | R & F  |
| 353. | Town Clerk to Town Board -<br>Request review and determination on the repeal and enactment of New Town Dog Ordinance with transmittal of same.   | R & F  |
| 354. | Town Attorney to Supervisor -<br>Notification of certain time schedule involved regarding Job Incentive Tax Exemption resolution.  | R & F  |
| 355. | Jaeckle, Fleischmann & Mugal; Attorneys, to Town Attorney -<br>Request termination date of 5/31/79 regarding Prast Research's lease of building on Pavement Road.                            | <u>Attorney</u><br><u>Building Inspector</u>                       |
| 356. | Town Engineer to Town Board -<br>Estimate of cost regarding installation of practice hydrant on Cemetery Road.   | <u>Chief, Town Line</u><br><u>Vol. Fire Dept.</u>                  |
| 357. | Deputy Town Attorney to Town Board -<br>Notification that Highway Supt. must review proposed car wash plans (Bldg. Permit No. 33) of Kidd-Kott Const. Co. before approval by Town Board.     | R & F  |
| 358. | Deputy Town Attorney to Town Board -<br>Comments regarding procedure for adoption of Fire Prevention Code of the State of New York.  | R & F  |
| 359. | N.Y.S. Off. of Mental Retardation and Devel. Disabilities to Supervisor -<br>Notification of granting of postponement of hearing until 5/17 but request for change of venue was not granted. | R & F  |

Supervisor Keysa requested a suspension of the necessary rule for immediate consideration of the following communications:

- |      |   |       |
|------|---|-------|
| 360. | Highway Supt. to Town Board -<br>Recommendation of approval of Building Permit No. 33 - Kidd-Kott Construction Co. for carwash. | R & F |
| 361. | County Legislature to Supervisor -<br>Transmittal of resolution proclaiming May 6-12, 1979 Erie County Preservation Week.       | R & F |

ADJOURNMENT:

ON MOTION OF COUNCILMAN BERENT, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:30 P.M. out of respect to:

CHARLES ROGALA

LUCIAN SZCZEPANSKI

Signed

*Robert P. Thill*

Robert P. Thill, Town Clerk